

Town Board Minutes

**Meeting
No. 5**

Regular Meeting

February 2, 1998

MEETINGS TO DATE 5
NO. OF REGULARS 3
NO. OF SPECIALS 2

Page 86
LANCASTER, NEW YORK
FEBRUARY 2, 1998

A Regular Meeting of the Town Board of the Town of Lancaster, Eric County, New York, was held at the Town Hall at Lancaster, New York on the 2nd day of February 1998 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 9:20 P.M. to deliberate in Executive Session for the announced purpose of discussing a personnel matter.

At 10:05 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Gull, Henry, 710 Pavement, spoke to the Town Board on the following matters:

- Rodent control at the Tops Distribution Site.
- Complained about a warning he received from the Town Police Department relative to slow driving in front of Tops Market trucks on Genesee Street.

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Supported Mr. Gull in his alleged right to drive at low speeds on Genesee Street in front of Tops Market Trucks as an exercise of Mr. Gull's right to free speech.

Zarbo, Richard, 357 Stony Road spoke to the Town Board on the following matters:

Page 87

- Flooding and drainage on Stony Road.
- Pleased with the revitalization of downtown Lancaster.

Ciccarelli, Nick, 809 Eric Street. spoke to the Town Board on the following matter:

- Questioned how long a building permit is valid.

Schneggenburger, Roy, 87 Stony Road. spoke to the Town Board on the following matter:

- Alleged that the regular Town Board meeting held on January 1, 1998 was illegal.

PUBLIC HEARING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed Local Law No. 1 of the Year 1998, which Local Law repeals in its entirety, Section 30-40 of Article II of Chapter 30 of the Code of the Town of Lancaster entitled "Public Safety Impact Fee" and enacts in place thereof a new Section 30-40 of Article II of Chapter 30 entitled "Public Safety Impact Fee" of the Code of the said Town.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS

Roy Schneggenburger

ADDRESS

87 Stony Road, Lancaster

ON MOTION BY COUNCIL MEMBER STEMPNIK, AND SECONDED BY COUNCIL MEMBER MILLER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:20 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR TO WIT:

RESOLVED, that the minutes from Joint Meeting of the Town Board and the Planning Board held on January 20, 1998, and the Regular Meeting of the Town Board held on January 20, 1998, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend Chapter 50-Zoning, Article VIII, §50-43 (C) (6) of the Code of the Town of Lancaster, County of Erie, State of New York, by adding thereto, the following:

§50-43. Site Plan Review

.....

C. Site Plan Review

.....

(6) Town Board Proceedings

(a)

(b) If the site plan is approved, no topsoil removal, excavation, filling, grubbing, grading or stripping shall be commenced without a determination by the Town Engineer and Building Inspector that said activities will not create problems with erosion, sediment, dust control and drainage, including ponding of water.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §130 of the Town Law of the State of New York, a Public Hearing on the said proposed amendment to Chapter 50-Zoning, Article VIII, § 50-43, (C) (6) will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on February 23, 1998 at 8:30 o'clock P.M., Local Time, and that notice of the time and place of such Hearing be published on February 12, 1998 in the Lancaster Bee, a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town of Lancaster adopted on the 2nd day of February, 1998, the said Town Board will hold a public hearing on the 23rd day of February, 1998, at 8:30 o'clock P.M., Local Time, to hear all interested persons upon the following proposed amendment of Chapter 50-Zoning, Article VIII, §50-43 (6) of the Code of the Town of Lancaster:

CHAPTER 50 - ZONING

**ARTICLE VIII
Administration and Enforcement**

.....

§50-43. (C), Site Plan Review shall be amended to read as follows:

.....

§50-43 C. Site Plan Review

.....

(6) Town Board Proceedings

(a)

- (b) If the site plan is approved, no topsoil removal, excavation, filling, grubbing, grading or stripping shall be commenced without a determination by the Town Engineer and Building Inspector that said activities will not create problems with erosion, sediment, dust control and drainage, including ponding of water.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **ROBERT P. THILL**
Town Clerk

February 2, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPIAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore retained Donald Gallo, Consulting Engineer, to prepare plans and specifications and provide engineering services for the expansion of the existing restroom building at Walden Pond Park on Ransom Road and Walden Avenue in the Town of Lancaster, New York, and

WHEREAS, plans and specifications have been filed with the Town Clerk, and

WHEREAS, the Town Board of the Town of Lancaster, after review of the plans and specifications, desires to advertise for public bids pursuant to the requirements of Section 103 of the General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that Sealed Bids for the construction of an expansion to the existing restroom building at Walden Pond Park on Ransom Road and Walden Avenue in the Town of Lancaster, Erie County, New York, will be received by the Town Clerk or his designee at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 at 10:00 A.M. Local Time, on the 23rd day of February, 1998, and that a Notice to Bidders shall be published in the Lancaster Bee on February 5, 1998, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: rnbdrwpp

TOWN OF LANCASTER, ERIE COUNTY, NEW YORK

WALDEN POND PARK PROJECT - CONTRACT NO. 13

NOTICE TO BIDDERS

Sealed Bids for construction of an expansion to the existing restroom building at Walden Pond Park on Ransom Road and Walden Avenue in the Town of Lancaster, Erie County, New York, for the Town of Lancaster will be received from bidders by the Town Clerk, or his designee, at his office in the Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M., Local Time, on the 23rd day of February, 1998, at which time they will be publicly opened and read aloud. The Project consists of contracts:

Contract 13E:	Electrical Construction
Contract 13G:	General Construction
Contract 13P:	Plumbing Construction

Contract Documents may be examined at the office of the Town Clerk of the Town of Lancaster at 21 Central Avenue, Lancaster, NY 14086 and at the offices of the ENGINEER at the address listed below between the hours of 9:00 A.M. and 4:30 P.M. from February 5, 1998 to February 23, 1998 except Saturdays, Sundays, and Holidays.

Copies may be obtained from the office of the ENGINEER upon document deposit of \$100.00 for each set. The ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the document fee plus a non-refundable mailing and handling charge of Twenty-five Dollars (\$25.00) per set. The mailing date will be considered the bidder's date of receipt. Partial sets of Contract Documents will not be available. Neither the OWNER nor the ENGINEER will be responsible for full or partial sets of Contract Documents, including any addenda, obtained from other sources. Bidders who return full sets of documents in good condition within thirty (30) days of award of the contract will receive a full refund. Non bidders will be refunded one-half of the document deposit upon return of full sets of Contract Documents within thirty (30) days of award of the Contract. No refunds will be made for the return of additional sets. Checks for documents shall be made payable to the ENGINEER. The \$100.00 document deposit shall be in the form of two (2) \$50.00 checks made payable to the ENGINEER. Checks for mailing fees shall be made payable to the ENGINEER.

The attention of the Bidders is called particularly to the requirements with respect to conditions of employment to be observed and minimum wage rates to be paid under the contract, and further to the Affirmative Action Requirements for Equal Employment Opportunity.

The attention of the Bidders is called to the provisions of Article 5A of the General Municipal Law which requires the Bidder to execute a certificate of non-collusion and to conform with the other provisions of Article 5A outlined in the Instructions to Bidders and Supplementary Conditions. A form for such certificate accompanies the bid form. Unless it is properly executed, the bid will not be accepted.

The successful Bidder will be required to furnish Payment and Performance Bonds each in an amount equal to 100 percent (100%) of the Contract award.

For the purpose of the deposit refund, bidders shall only be considered as those that formally submit a bid at the time and place as stated above and for the purpose of the performance of the work as set forth in these Specifications.

Bid Forms shall not be removed from the Project Manual and the entire Project Manual shall be submitted with the Bid.

Each proposal must be accompanied by the deposit of a certified check, payable to the Order of the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, the successful bidder will enter into a contract for the work, and that he will execute within fifteen (15) days from the date of award, a suitable security bond in the amount of the contract, conditioned for the faithful and prompt performance and completion of the work specified in the contract.

All deposits, except that of the successful bidder, will be returned.

Upon acceptance of his bid, if the successful bidder fails to enter into a contract pursuant to the requirements of the Board, or fails to give the further security prescribed in this notice, with the time limited therein, then the check deposited as aforesaid and the moneys standing to the credit of same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

As evidence of his competency to perform the work, each Bidder shall submit with his Bid a statement of his qualifications and resources. Each Bid must contain evidence of Bidder's qualification to do business in the state where the Project is located or covenant to obtain such qualification prior to award of the Contract. Low Bidders may be asked to furnish additional data to demonstrate competency.

The right to reject any or all bids, to waive any informalities in, or to make an award to other than the low bidder or to the lowest responsive and responsible bidder, to delete bid sections or items, should it be deemed to be in the best interest of the Town of Lancaster, and in accordance with law, are herewith reserved.

The Town of Lancaster is an exempt organization under the Tax Law and is exempt from payment of Sales and Compensating Use Taxes which are to be incorporated into the project and which are to be separately sold by the CONTRACTOR to the OWNER prior to incorporation into the project, pursuant to the provisions of the contract. These taxes are not to be included in the bid. Sales tax will be due on all materials purchased by CONTRACTOR which are either "consumable" or rental property used by the CONTRACTOR in connection with the construction or repair.

Award of a Contract or Contracts is subject to Town of Lancaster Financing.

Consulting Engineer:

Donald Gallo, Consulting Engineer, P.C.
589 Delaware Avenue
Buffalo, New York 14202
(716) 883-1234

Date of Advertisement: February 5, 1998

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF LANCASTER, N. Y.

Robert P. Thill, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No.1 of the Year 1998, entitled "Public Safety Impact Fee, and designated as Chapter 30, Article II, Section 30-40, Public Safety Review Fee of the Code of the Town of Lancaster, was introduced to the Town Board of the Town of Lancaster by Council Member Stempniak on the 20th day of January, 1998, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on February 2, 1998;

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 1 of 1998 entitled "Public Safety Impact Fee" and designated as Chapter 30, Article II, Section 30-40, Public Safety Review Fee, of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

PERMIT AND APPLICATION FEES

CHAPTER 30

**ARTICLE II
PLANNING AND DEVELOPMENT FEES**

PUBLIC SAFETY IMPACT FEE

**LOCAL LAW NO. 1
1998**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 30-40, OF CHAPTER 30, ARTICLE II OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED "PUBLIC SAFETY IMPACT FEE", AND REPLACING IT WITH A LOCAL LAW OF 1998 ENTITLED, "PUBLIC SAFETY IMPACT FEE" AND DESIGNATED AS CHAPTER 30, ARTICLE II, SECTION 30-40, PUBLIC SAFETY REVIEW FEE, OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1..

The Code of the Town of Lancaster is hereby amended by deleting and repealing Section 30-40 of Chapter 30, Article II of the Code, entitled "Public Safety Impact Fee".

Section 2.

- The Code of the Town of Lancaster is hereby amended by adding thereto a Local Law of the Year 1998, to replace Section 30-40 "Public Safety Impact Fee" as herein above repealed, which shall be entitled: "Public Safety Impact Fee" and further designated as Article II, Chapter 30 of said Code, and shall read as follows:

§30-40. Public safety impact fee.

- A. Legislative authority; title. This local law is enacted pursuant to the authority granted in §10 of the Municipal Home Rule Law of the State of New York, wherein a municipality may adopt local laws relating to property, affairs and government of the Town, and shall be known as "Local Law No.1 of the Year 1998, Public Safety Impact Law of the Town of Lancaster" which shall provide for the maintenance and continuance of adequate police and fire protection services.
- B. Impact fee required. Where application for a building permit is made to the Building Inspector of the Town of Lancaster for new construction, the following public safety impact fees shall be imposed as part of the building permit application fees:
 - (1) Single-family dwelling: three hundred fifty dollars (\$350.) per lot.
 - (2) Multiple-family dwellings: apartment houses, townhouse units and condominium units: three hundred fifty dollars (\$350.) for the first dwelling, plus three hundred dollars (\$300.) for each additional dwelling unit.

- (3) Hotel and motels: three hundred fifty dollars (\$350.) for the first sleeping unit, plus three hundred dollars (\$300.) for each additional sleeping unit.
- (4) Commercial and industrial buildings: five hundred dollars (\$500.) per acre or any part thereof.

C. When effective. This Local Law shall take effect after mailing, filing and publication as required by Law.

February 2, 1998

and

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law of the Year 1998 on the Town Bulletin Board;
2. Within ten (10) days, publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 1 of the Year 1998, with all proofs of publication and posting required for adoption; and
4. File certified copies of Local Law No. 1 of the Year 1998 within twenty (20) days of adoption with:
 - a) Town Clerk's office
 - b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: rloclawa.198

- (2) Multiple-family dwellings: apartment houses, townhouse units and condominium units: three hundred fifty dollars (\$350.) for the first dwelling, plus three hundred dollars (\$300.) for each additional dwelling unit.
 - (3) Hotel and motels: three hundred fifty dollars (\$350.) for the first sleeping unit, plus three hundred dollars (\$300.) for each additional sleeping unit.
 - (4) Commercial and industrial buildings: five hundred dollars (\$500.) per acre or any part thereof.
- C. When effective. This Local Law shall take effect after mailing, filing and publication as required by Law.

February 2, 1998

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY, that I, **ROBERT P. THILL**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of Local Law No. 1 of the Year 1998, with the original thereof filed in my office at Lancaster, New York, on the 2nd day of February, 1998, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 3rd day of February 1998.



Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has received a request from Lancaster Airport, Inc. regarding a New York State Department of Transportation Grant for the preparation of an Environmental Assessment Study for Lancaster Airport, and

WHEREAS, the New York State Department of Transportation under Section 14(h) of the State Transportation Law requires privately owned reliever facilities, such as Lancaster Airport, to obtain local municipal support in order to receive New York State funding,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. The Town Board of the Town of Lancaster endorses the preparation of an Environmental Assessment Study for Lancaster Airport for the purpose of making the study eligible for state funding.
2. That this resolution does not, in any way, approve, adopt, or reject environmental findings or conclusions, or any proposed recommendations, plans alterations, or improvements to the airport or any of the airport facilities.
3. That this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: Rairport.lan

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

Page 100

WHEREAS, the Northeast Southtowns Solid Waste Management Board ((NEST) of which the Town of Lancaster is a member, has concluded after several meetings of its members that it is in the interest of the member municipalities to jointly introduce a Request for Proposals (RFP) for solid waste disposal, and

WHEREAS, the Town Board of the Town of Lancaster has previously introduced its own RFP to obtain proposals for a disposal site for solid waste but also believes it to be in the economic interest of residents of the Town of Lancaster to join in the NEST RFP pursuant to the authority of Intermunicipal agreements set forth in Article 5-G of the General Municipal Law;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an Intermunicipal Agreement with the other NEST member communities for the purpose of introducing a joint RFP for the disposal of solid waste generated by the NEST Municipalities.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: mestrip

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, it has been determined that the uninterruptible power source for the Town of Lancaster Police Department, which is necessary to supply temporary power for communication services and computers in the event of a power outage at the Police Department is deficient and must be replaced, and

WHEREAS, the cost of the replacement system is in excess of the public bid threshold recited in General Municipal Law § 103, however given the nature of the equipment and the need to provide for continuous operating capability in the Police Department to assure the public welfare and safety, this condition is deemed by the Town Board to fall within the exception to the public bid requirement as set forth in General Municipal Law 103 (4), and

WHEREAS, the Town Engineer has obtained three independent price quotes for to furnish, deliver and install surge protection equipment and an uninterruptible power supply unit, and has recommended that said equipment be purchased from Weydman Electric, Inc., 747 Young Street, Tonawanda, New York, 14150, the low bidder, in the amount of \$13,900.

NOW, THEREFORE, BE IT

RESOLVED, that Town Board of the Town of Lancaster hereby awards the bid for the purchase of the surge protection equipment and an un-interruptible power supply unit for use in the Town Police Department, to the low bidder, Weydman Electric, Inc., 747 Young Street, Tonawanda, New York 14150, in the amount of \$13,900 and

BE IT FURTHER

RESOLVED, that this award is contingent upon the approval of the Chief of Police.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: remergnc

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, the General Crew Chief of the Parks, Recreation and Forestry Department of the Town of Lancaster, by letter dated January 30, 1998, has notified the Town Board of a vacancy in the position of Recreation Supervisor, part-time, nights due to the death of Franklin Pereny, and

WHEREAS, the General Crew Chief, by same letter, has recommended the appointment of John Daddario to the vacant position of Recreation Supervisor, part-time, nights,

NOW, THEREFORE, BE IT

RESOLVED, that **JOHN DADDARIO**, 32 Caswell Street, Lancaster, New York 14086, be and is hereby appointed to the position of Recreation Supervisor, part-time, nights, retroactive to January 26, 1998, at an hourly rate of \$6.00, with no benefits:
and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the Town of Lancaster is a party in a certain legal proceeding
entitled People of the Town of Lancaster v. Thurnherr, and,

WHEREAS, due to a certain conflict of interest, the Town Attorney's Office
for the Town of Lancaster is leally prohibited from representing the Town of Lancaster in
this particular proceeding, and

WHEREAS, it is incumbent that the Town of Lancaster retain an outside legal
counsel to represent the Town of Lancaster in this matter, and

WHEREAS, Attorney Leonard Berkowitz has offered a Letter of Intent to
represent the Town of Lancaster in this particular proceeding, to advise the Building
Inspector's Office, defend the Town of Lancaster in a potential appeal, and seek adjunctive
relief in the Supreme Court din this and other related matters,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
authorizes that this resolution be directed to the Town of Lancaster to retain the law offices
of Berkowitz & Pace to represent the Town of Lancaster in the proceeding known as People
of the Town of Lancaster v. Thurnherr, and

BE IT FURTHER

RESOLVED, that the fee payable to the firm of Berkowitz & Pace will not
exceed the sum of \$5,000.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File:RCONSULT

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

Page 104

WHEREAS, United Silicone, Inc. , has submitted a Site Plan received November 12, 1997 for the construction of a 15,000 s.f. addition to its existing facility located on its premises at 4471 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and by letter dated November 21, 1997, recommended approval of this project subject to the following condition, and

WHEREAS, a SEQR review was conducted on this project on January 20, 1998, and a Negative Declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan prepared by Thomas E. Ciminelli, and received on November 12, 1997, for United Silicone, Inc., for construction of a 15,000 s.f. addition to its facilities located at 4471 Walden Avenue, in the Town of Lancaster, subject to the following condition:

-- Approval of the final drainage plan by the Town Engineer

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: rusite1.298

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MILLER TO WIT:

Page 105

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts:

Claim No. 330 to Claim No. 553 Inclusive

Total amount hereby authorized to be paid: **\$ 589,779.81**

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

4698	Ryan Homes	300 Enchanted Fst N	Er. Sin. Dwlg
4699	No Bull	4885 Transit Rd	Er. Temp. Sign
4700	Capretto Enterprises Inc	312 Enchanted Fst N	Er. Sin. Dwlg
4701	Alliance Const of WNY	18,20,22,24 Hedge Ln	Er. Townhomes
4702	Marrano Marc Equity	32 Old Post Rd	Er. Sin. Dwlg
4703	Kulback's Associates Inc	6495 Transit Rd	Er. Storage Bldg
4704	ASI Sign Systems	74 Ward Rd	Er. Sign

and,

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File:Rbldg2

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously
advertised for bids for furnishing 1998 Police Cars to the Police Department in accordance with
the specifications on file with the Town Clerk of the Town of Lancaster, and

WHEREAS, said bids were opened on January 9, 1998 and

WHEREAS, the Chief of Police of the Town of Lancaster has recommended the
purchase of vehicles in accordance with said specifications from the low bidder thereon, Delacy
Ford, Inc., 3061 Transit Road, Elma, New York 14059;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1.. That the Bid of Delacy Ford, Inc., is accepted and that an order for
vehicles is hereby authorized to be placed by the Chief of Police as follows:

- A. The purchase of five (5) 1998 Type A Police Vehicles
at a unit price of \$20,659 per vehicle = \$103,295..
- B. The purchase of one (1) 1998 Type B vehicle at a
purchase price of = \$20,476.

And

2. That the following vehicles be traded to Delacy Ford, Inc., as per the
trade-in allowances listed on the Bid Form:

- A. One (1) 1996 Ford 4DSD VIN #2FALP71W6TX116349
@ \$6,000.
- B. One (1) 1996 Ford 4DSD VIN #2FALP71W4TX116348
@ \$6,000.

- C. One (1) 1996 Ford 4DSD VIN #2FALP71W0TX116346
@ \$6,000.
- D. One (1) 1994 Ford 4DSD VIN #2FALP71WIRX163653
@ \$4,000.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

File:rapolcrs.98

Council Member Montour requested a suspension of the necessary rule for immediate consideration of the following resolution:
SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:**

WHEREAS, a recent Federal Court decision may cause the imposition of a further fee on CATV customer bills unless municipalities act affirmatively to waive this "franchise fee on franchise fee" so it is not passed through to subscribers, and

WHEREAS, the Town Board after due review and consideration has determined that it does not believe the imposition of this additional fee is fair to subscribers and therefore desires to take affirmative action to waive the imposition of this franchise fee on a franchise fee by the CATV Franchisee Adelphia Communications;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby waives the collection under the CATV Franchise Agreement with Adelphia Communications of any so-called "franchise fees on franchise fees" as may be compelled by a recent Federal court decision and further directs the Town Clerk to forward a certified copy of this Resolution to the CATV Franchisee, Adelphia Communications, to place them on notice that this additional fee should not be collected from subscribers.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 2, 1998

COMMUNICATIONS:

Page 110

46. Adelphia Cable to Town Clerk -
Comments re: calculation and payment of franchise fees. DISPOSITION = Received and Filed
47. Town Clerk to Town Board -
1997 Annual Report. DISPOSITION = Received and Filed
48. Highway Supt. To Town Board -
Transmittal of 1998 Agreement to Spend Town Highway Funds. DISPOSITION = Received and Filed
49. Highway Supt. To Town Board -
Notification of review of D'Aprile Springs plat plan with comment re: responsibility of maintenance and plowing of road. DISPOSITION = Received and Filed
50. Town Clerk to Town Board -
Notification that no variances have been granted in last three year period for SBL 93.06 2-28, 50 foot lot, W/S of E. Home Rd. DISPOSITION = Received and Filed
51. NYS Div. of Criminal Justice Services to Supervisor -
Advisement that contract for Town Police Department, Evidence Lab Expansion Program, has been fully executed. DISPOSITION = Received and Filed
52. ECDEP to Phyllis Greco -
Confirmation of public hearing to be held 2/5/98 at Town Hall re: CD Block Grant. DISPOSITION = Received and Filed
53. NYS Commission on State-Local Relations to Supervisor -
Request copy of 1998 proposed and adopted budgets. DISPOSITION = Received and Filed
54. Police Chief to Henry R. Gull -
Notification of availability to meet and discuss complaint addressed at recent Town Board meetings. DISPOSITION = Received and Filed
55. Lancaster Fire Council, Inc. President to Supervisor -
Request meeting to explain alternatives and suggestions re: communication problems with fire departments and base station during emergency and non-emergency responses. DISPOSITION = Received and Filed
56. Building Inspector to Town Board -
Notification that Tops Distribution Center has been issued a permanent Certificate of Occupancy after meeting all Town Board conditions. DISPOSITION = Received and Filed
57. Association of Towns to Supervisor -
Transmittal of importation delegate information re: annual meeting. DISPOSITION = Received and Filed
58. Property Manager to Dir. of Adm. and Finance -
Transmittal of "Fixed Assets Listings for 1997". DISPOSITION = Received and Filed
59. LIDA to Various Officials -
Notice of public hearing to be held 2/25/98 at Town Hall re: taxable IDA Revenue Bonds. DISPOSITION = Received and Filed
60. Assessor to Supervisor -
Notification that 1998 IDA bills were finalized and mailed out 1/16/98. DISPOSITION = Received and Filed
61. Town Clerk to Town Board -
Comments and suggestion re: persons addressing Town Board. DISPOSITION = Received and Filed
62. Town Engineer to Mr. and Mrs. Keith Baran, 6108 Broadway -
Outline of parameters for installation of retaining wall at premises situate at 105 Pavement Rd. DISPOSITION = Received and Filed
63. Police Chief to Council Member Montour -
Transmittal of correspondence from Attorney Leonard Berkowitz with request that Board retain him re: Thurnherr matter. DISPOSITION = Received and Filed
64. Town Clerk to Zoning Board Members, Building Inspector and Town Attorney -
Transmittal of variance petition for meeting to be held 2/12/98. DISPOSITION = Received

65. Disaster Response Coordinator to Town Board -
Transmittal of minutes of meeting of 1/22/98. DISPOSITION = Received and Filed
66. Planning Board to Town Board -
Recommends approval of the Town Zoning Code as it relates to driveway setbacks.
DISPOSITION = Public Safety Committee
67. Planning Board to Town Board -
Transmittal of minutes of meeting of 1/21/98. DISPOSITION = Received and Filed
68. Disaster Response Coordinator to Supervisor -
Minutes for meeting of January 20, 1998. DISPOSITION = Received and Filed
69. Disaster Response Coordinator to all Department Heads -
Schedule of Back Injury Reduction Programs. DISPOSITION = Received and Filed
70. Disaster Response Coordinator to Disaster Response Committee and Fire Chiefs -
Advise of disaster equipment training February 7 and 24, 1998. DISPOSITION = Received and Filed
71. Disaster Response Coordinator to Supervisor -
Minutes for Safety Meeting held 1/21/98. DISPOSITION = Received and Filed
72. Ecology and Environment, Inc. to Supervisor -
Invitation to meet to discuss opportunity to assist with identification of potential funding sources. DISPOSITION = Town Engineer
73. American Ref-Fuel to Supervisor -
Letter expressing continued commitment to solid waste disposal in western New York.
DISPOSITION = Received and Filed
74. Association of Towns Director to Supervisor -
Re: Important Delegate Information for Annual Business Session of the 1998 Annual meeting of the Association of Towns. DISPOSITION = Received and Filed
75. Association of Towns Ex. Director To Supervisor -
Acknowledgment of payment for 1998 Association dues. DISPOSITION = Received and Filed
76. Karl E. Kipp to Supervisor -
Letter of appreciation for displaying tribute to Doris Huber. DISPOSITION = Received and Filed
77. Lancaster Airport to Supervisor -
Follow-up for letter of December 12, 1996 seeking a response. DISPOSITION = Received and Filed
78. NYS Real Property Services to Assessor -
Notification of requirements met for designation of State Certified Assessor, Advanced (SCAA). DISPOSITION = Received and Filed
79. Depew Lodge No. 823, F. & A.M. -
Notification of the Gov. DeWitt Clinton Award for service to community in drug abuse prevention programs in the town. DISPOSITION = Received and Filed
80. Parks, Recreation & Forestry, General Crew Chief to James Rozler, Bd. Of Dir., T.D.V.F.C -
Comments re. host playground site offer. DISPOSITION = Parks and Recreation Committee
81. Robert Giroux to Town Board -
Request to roll over four vacation days from 1997 to 1998. DISPOSITION = Town Clerk for resolution
82. Parks, Recreation & Forestry, General Crew Chief to Supervisor -
Requests appointment of John Daddario night supervisor of evening programs upon the death of Frank Pereny. DISPOSITION = Received and Filed
83. Chief Fowler to Council Member John T. Miller -
Requests authorization for purchase of new police vehicles. DISPOSITION = Received and Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MILLER AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:05 P.M.

Signed Robert P. Thill
Robert P. Thill